Book	Policy Manual
Section	5000 - Students
Title	Nonresident Attendance
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NONRESIDENT ATTENDANCE

A child will be considered to be a resident of Colchester for the purpose of receiving school accommodation provided to by the Colchester Board of Education without payment of tuition under the following conditions:

1. The child resides with his/her parents or a parent who is a bona fide resident of Colchester.

2. In the case of a child whose parents are divorced or separated, the child will be entitled to school accommodations in the school district where he or she actually resides and spends the majority of his/her time irrespective of an award of legal custody to one or both parents. An award of custody to a particular parent may be considered as one indicia of where the child actually resides.

3. The child resides with a legally appointed guardian who is a bona fide resident of Colchester. The guardian or guardians will be asked to provide a court order indicating appointment as guardian of the student.

4. The child is a legally emancipated minor or eighteen (18) years of age or older and is a bona fide resident of Colchester. The child will be asked to provide legal documentation proving emancipation.

5. A child who resides in a dwelling physically located in Colchester and another Connecticut town shall be considered a resident of Colchester or the other town in which the dwelling is located and may attend school in Colchester or the other town. Dwelling for these purposes means a single, two or three family house or condominium unit.

6. Any child placed out by the Commissioner of Children and Families or by other agencies or persons as provided for under Section 10-253 (a) of the General Statutes of Connecticut. Payment of tuition for such education shall be made by the Board of Education of the school district under whose jurisdiction such child would otherwise be attending school where such a school district is identified.

7. Any child in a temporary shelter as provided for under Section 10-253(e)(2) of the General Statutes of Connecticut. Payment of tuition for such education shall be made by the school district in which the child would otherwise reside, if identified and notified. 2

8. A child residing with relatives or non-relatives as provided for under Section 10- 253(d) of the General Statutes of Connecticut if the residency is to be permanent, provided without pay and not for the sole purpose of obtaining school accommodations:

a. Permanent -"Permanent residency" shall be defined as one who resides in Colchester and who has a present intention to remain within Colchester indefinitely.

b. Provided by the Colchester Relative or Non-Relative without Payment or Compensation by the Child's Parent or Legal Guardian - Pay shall include any monetary remuneration from a parent for the support of a child either to the relative or nonrelative but does not include gifts for purposes other than support. Pay does not include maintaining the child's health insurance, taking the child as a deduction for income tax purposes or making support payments according to a court order.

c. Not for the Sole Purpose of Obtaining School Accommodations in the Colchester Public School System - as determined by individual facts and circumstances. The Board of Education or its designee may require documentation, including sworn affidavits, from the parent/guardian, emancipated minor or student eighteen years of age or older or relative or non-relative that the residence is to be permanent, provided without payment or compensation and not for the sole purpose of obtaining school accommodations provided that prior to any request for documentation of a child's residency, the Board of Education shall provide a written statement specifying the basis upon which the Board has reason to believe that such child, emancipated minor or pupil eighteen (18) years of age or older is not entitled to school accommodations provided by the Colchester Public Schools.

Evidence of Permanency and Residency

Factors that may be used as evidence of permanency and residency or the lack thereof, include, but not limited to the following:

1. The child lives and sleeps seven (7) days a week, twelve (12) months a year at the Colchester address, with his or her natural or legally adoptive parent(s) or guardian(s).

2. The child lives and sleeps seven (7) days a week, twelve (12) months a year in Colchester and is an emancipated minor or an adult.

3. The child of divorced/separated parents spends 50% or more of his/her time with a parent residing in Colchester.

4. Statements of the person with whom the child is living, the child, and the child's parents as to their intention concerning residency;

5. Statements as to the purpose of the residence indicating whether or not permanent residence exists;

6. Legal documents, court orders or other signed agreements or documents e.g., guardianship agreement revocable at will, which may indicate arrangement is not permanent;

7. Legal relationships: child to host family; legal guardianship; emancipation or termination of parental rights; pending adoption proceedings;

8. Exercise of parental control:

    a. Decisions as to the child's education;

    b. Decisions on medical care;

    c. Signature on disciplinary notices, report cards, permission slips, absence notices; d. Attendance at parent-teacher conferences, and other school events;

9. Financial responsibility:

    a. Health or other insurance coverage;

    b. Income tax claim as dependent;

10. Where the child has:

    a. His/her bedroom--at parents' or host family or both;

    b. Clothes, personal belongings;

11. Where the child spends the majority of his/her time, the weekends, holidays, school vacations, summer vacation, and how often the child visits parents or parents visit child;

12. How long it has been since child lived with parents.

Note that neither any single factor nor combination of factors guarantees a finding of residency. Being a landowner, tax payer, or business owner in Colchester does not confer residency privileges for school purposes absent additional adequate proof of residency.

Student Registration

The parent/legal guardian enrolling their child shall complete appropriate sections of the Student Registration form, complete any applicable affidavits, and submit required documentation establishing residency at the time of registration. Updated student information is to be supplied annually on forms provided by the school at the beginning of each school. Any subsequent changes, most notably a change in a student's address, are required to be reported to a student's school in writing at the time of change.

Verification of Residency

Verification of residency shall be required in Grades Pre-K through twelve at the time of initial registration and/or the expiration of a mortgage or lease, or upon request by administration when there is a suspicion that there has been a change in residency or in circumstances that otherwise previously qualified a student for school accommodations.

Verification of residency shall include presentation of multiple documents confirming residency. The following is required:

1. for homeowners: mortgage or deed or tax bill , and for renters: lease or rental agreement signed by the landlord with landlords contact phone number, and

2. two recent utility bills in the same name and to the same address (for land line telephone, water, electric, gas, oil or cable television – not cellphone), and

3. if applicable, any notarized affidavits, or legal or court documentation proving/attesting to residency, guardianship, adoption, custody, emancipation, etc. (see registration form).

Individuals who are registering or renewing the registration for a relative or nonrelative who is residing with them in Colchester will be required annually to complete affidavits provided by the district. In order to prove residency, the law requires the mutual intent of the relative or nonrelative and the child or the parent or guardian that the residence is (1) permanent, (2) provided without pay and 3) not for the sole purpose of free school accommodations.

No one factor or combination of factors guarantees a finding of residency. A determination of residency involves both a quantitative and qualitative assessment of the documentation presented.

The Board of Education or its designee reserves the right to request additional proof of residency and/or to deny enrollment if the documentation submitted is adjudged to be insufficient to establish residency in Colchester.

In those situations where the child is denied school accommodations by the building administrator, the parent/guardian, emancipated minor or pupil eighteen (18) years of age or older shall be provided with a written notice specifying the basis under which the child is not being allowed to enroll and the right to appeal to the Board of Education as provided under student dis-enrollment.

1. Enrollment/Reenrollment of Students who transfer from Unified School District # 1 or # 2.

   Any student who transfers from Unified School District #1 or #2 shall be immediately enrolled in district, and if the student attended a Colchester Public School prior to enrollment in District #1 or #2, he/she should be reenrolled in his/her previous school provided the school has the appropriate grade level for such student.

2. Enrollment /Disenrollment of Homeless Students

   Students who are homeless will be enrolled in accordance with state and federal law governing children and youth in homeless situations.

3. Voluntary Termination of Enrollment by Students Seventeen (17) Years of Age or Older

   Whenever a student seventeen (17) years of age or older voluntarily terminates enrollment in a school district and

subsequently seeks readmission not later than ten (10) days after termination, the Board shall provide school accommodations to such child not later than three (3) school days after the student seeks readmission. If the student seeks readmission after ten (10) school days, the Board may deny school accommodations for up to ninety (90) days from the date of termination.

Student Dis-Enrollment: Investigation

Where there is reasonable doubt by the building administrator as to the permanent residence of a child, or there is a belief or suspicion that there is a change in circumstances that otherwise existed to qualify a child for school accommodations in the Colchester Public Schools, the administrator shall collect as much information as possible to substantiate the claim against continuation of school accommodations and review that information with the Superintendent or a designee. As part of this process, the administrator in accordance with state and federal law and Board policy may request additional information from the parent or guardian, the emancipated student pupil who is eighteen (18) years of age or older or the relative or nonrelative with whom the student purports to live in Colchester. If after a review of the information collected, a determination is made that the child is not eligible for continued enrollment, the parent or guardian, emancipated child or pupil eighteen years of age or older shall be advised by the administrator to withdraw the student.

Assessment of Tuition/Civil Remedies

In the event it is determined that a child is not legally entitled to be provided school accommodation by the Colchester Board of Education without the payment of tuition, the Colchester Board of Education may, pursuant to Connecticut General Statute S10- 186 assess the child's parent or guardian for tuition for that period of time that the child was not legally entitled to attend the Colchester Public Schools and may seek civil remedies to collect any unpaid assessments of tuition.

Denial of School Accommodations: Notification

1. The Superintendent shall notify the parent or guardian, emancipated child or a pupil eighteen (18) years of age or older in writing by regular mail and certified mail, return receipt requested, and a where deemed appropriate, additionally be hand delivery, that an investigation discloses that the child is not legally enrolled in school. This notice shall be sent to the actual address, if known, or the address of record, of the parent or guardian, emancipated child or other individual(s) listed as the responsible party on school records. The notice shall include a statement informing the parent or guardian, emancipated child or pupil eighteen (18) years of age or older of their right to request a hearing before the 6 Board of Education in accordance with Connecticut General Statutes Section 10-186. This letter shall set forth the manner in which a hearing shall be requested and shall set a date by which a hearing must be requested in writing.

2. The Superintendent shall advise the Board of Education under whose jurisdiction it claims such child should be attending school of its denial of school accommodations in Colchester. The Superintendent shall provide such notification by sending a copy of the denial of accommodations letter to the Superintendent of Schools in the school district(s) where the student is believed to reside.

3. If no written request for a hearing is received by the Superintendent from the parent or guardian, emancipated child or pupil eighteen (18) years of age or older by the date specified in the denial of accommodations letter, then the child shall no longer be permitted to attend classes and all school books and equipment are to be returned by that date to the office of the administrator.

4. If a timely written request for a hearing is submitted by the parent or guardian, emancipated child, or pupil eighteen (18) years of age or older, the child may continue to attend school upon request to do so until the Board has completed the hearing and made its decision.

Request for a Board Hearing/Hearing Procedures

1. The Board of Education shall conduct a hearing within ten (10) days after receipt of a written request from the parent, guardian or emancipated child or pupil eighteen years of age or older for a hearing and the hearing shall be conducted in accordance with the provisions of Sections 4-176e to 4-180a, inclusive, and 4-181a of the General Statutes of Connecticut.

2. A written notice of a hearing shall be sent by the Board to the parent or guardian, emancipated child or pupil eighteen (18) years of age or older and shall include:

    a. A statement of the date, time, place and nature or the hearing;

    b. A statement of the legal authority and jurisdiction under which the hearing is to be held

c. A reference to the particular sections of the statutes and regulations involved;

d. A short and plain statement of the matters asserted.

e. A statement advising the parent or guardian of the right to be represented by counsel, to present evidence and argument, to have witnesses on their behalf and to cross-examine witnesses presented by the administration.

3. The party claiming eligibility for school accommodations shall have the burden of proving such eligibility by a preponderance of evidence.

4. The Board of Education shall make a stenographic record or tape recording of such hearing.

5. The Board of Education shall render a finding within ten (10) days after the hearing, and provide a written copy of its decision to the parties in accordance with Sections 4-176e to 4-180a, inclusive, and 4-181a of the General Statutes of Connecticut.

6. If the decision of the Board is that the child is a Colchester resident entitled to school accommodations, the pupil shall be allowed to continue enrollment and no record of these proceedings will be kept in the pupil's cumulative file.

7. If the decision of the Board is that the student is a nonresident and not entitled to school accommodations

   a. and the student has remained in school pending the outcome of the Board hearing, he/she may elect to continue attending school for twenty (20) more days from the date the Board's decision was mailed; the twenty (20) days represents the time period in which an appeal of the decision may be lodged; once the appeal period has lapsed and if no appeal has been initiated, the child shall not be permitted to continue to attend school in the Colchester Public Schools and all school books and equipment are to be returned to the office of the administrator;

   b. Once it is determined that the child is not legally permitted to continue to attend school, and if the student continues to attend passed the appeal period, the Superintendent, on behalf of the Board, may avail itself of any appropriate, legal and available measures, including but not limited to referral to the police.

8. If an appeal is not taken to the State Board of Education within twenty (20) days of the mailing of the finding of the Colchester Board of Education to the aggrieved party, the decision of the Colchester Board of Education shall be final.

Appeal of Board of Education Decision

1. A parent, guardian or emancipated child or pupil eighteen (18) years of age or older may appeal the decision to the State Board of Education within twenty (20) days of the mailing of the decision by the Board of education. Any child, emancipated minor or pupil eighteen (18) years of age or older who is denied accommodations by a board of education may continue in attendance in the school district, at the request of the parent or guardian emancipated child or pupil pending a determination of such appeal. If such an appeal is not brought within the twenty (20) days, then the Board of Education decision becomes final.

2. A copy of each notice of appeal shall be filed simultaneously with the Colchester Board of Education and the State Board of Education.

3. Any such parent, guardian, emancipated minor, or pupil eighteen (18) years of age or older, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty (30) days after such request.

4. The Colchester Board of Education shall, within ten (10) days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education.

5. The State Board of Education shall on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the Colchester School District.

6. The hearing board shall render its decision within forty-five (45) days after receipt of the notice of appeal except that an extension may be granted by the commissioner of education upon an application by a party or the hearing board describing circumstances related to the hearing which requires an extension.

7. If the hearing board of the State Board of Education makes a determination that the child was not a resident of the Colchester School District and, therefore, not entitled to school accommodations by the Board, the Board may assess tuition (based upon one one hundred-eightieth of the town's net current local education expenditure, as defined in CGS 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by the district) against the parent, guardian emancipated child or pupil eighteen (18) years of age or older, as provided by law. The Board may seek to recover such amount through available civil remedies.

8. A parent, guardian or the student with legal standing aggrieved by the decision of the State Board of Education may appeal to the Superior Court according to C.G. S. 10-187, and may file with the State Board of Education within fifteen (15) days after personal delivery or mailing of the final decision, a petition for reconsideration of the final decision in accordance with C. G.S 4-181a.

Non-Resident Students

1. Children who are not bona fide residents of Colchester may be permitted to attend Colchester public schools at the discretion of the Colchester Board of Education, or the Superintendent, or their designees, upon such terms as said Board shall establish on a space available basis. Said terms may include the payment of appropriate tuition as determined by the Colchester Board of Education. Non-resident students who are permitted to attend Colchester schools shall be responsible to provide their own transportation to and from school.

2. When a family moves from Colchester during the school year, a child may continue to attend the Colchester school he/she was attending for the remainder of the school year under the following terms and conditions:

    a. The family will be required to pay tuition on a pro-rated basis for the balance of the school year if the family moves from Colchester prior to May 1st of any school year. Seniors who have attended the Colchester Public Schools since grade 9 may be allowed to complete their senior year without payment of tuition if the family moves on or after the second semester. Exceptions for hardship cases may be made at the discretion of the Superintendent.

    b. The family will not be required to pay tuition for the balance of the school year if the family moves from Colchester on or after May 1st of any school year.

    c. In all cases where a student continues in attendance in the Colchester public schools after his/her family moves from Colchester, responsibility for transportation to and from Colchester must be provided by the family.

3. Children who are citizens of a foreign country may be permitted to attend the Colchester public schools without payment of tuition, if they are participants in a foreign student exchange program, have not completed a secondary program in their native country, reside in Colchester and are approved by the Superintendent.

4. The decision regarding the residency status of any child shall be made by the Superintendent. At the end of each school year, the Superintendent will review the status of each non-resident child enrolled pursuant to this policy for approval or denial for the ensuing school year.

Tuition for Non-resident Students

1. Tuition rates shall be based annually upon a calculation conducted on data available for September 1st of the year in which services are received by a non-resident.
2. Tuition fees will be prorated and payable in advance the first of every month.

3. In the event of a default of payment, educational services shall cease.

Legal

4-176e-through 4-185 Uniform Administrative Procedure Act

10-186 Duties of local and regional Boards of education re school attendance. Hearing Appeals to state Board. Establish of hearing Board.

10-253 School privileges for students in certain placements and temporary shelters.

McKinney Vento Homeless Assistance Act, 42 USC 11431